IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2871 OF 2005

Mr.N.T.L.Narasimhan ...Petitioner

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.Kawas Jogose i/b Vikram Philip & Associates for Petitioner.

Ms.G.P.Mulekar, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 9, 2005.

P.C.

1. Heard. Insofar as prayer for quashing is concerned, it is argued that the Petitioner was not the director of the accused company at the relevant time. To support this position, reliance is placed on Form 32, which indicates that the Petitioner has resigned much earlier. This aspect has been directly answered against the Petitioner in the unreported Judgment dated 23rd December 2004 in the

case of **Vijay Mallya vs. State of Maharashtra in Criminal Application No.4827 of 2004.** Viewed in this perspective, it cannot be ground for quashing, but matter for trial.

2. The other limited grievance of the Petitioner is about issuance of non-bailable warrants against the Petitioner by the Trial Court on 22nd September 2005. Insofar as that order is concerned, as the Petitioner assures through his Counsel before this Court that the Petitioner will make appearance before the Trial Court within two weeks from today, it is ordered that the Petitioner shall not be arrested till then. The Petitioner shall appear before the Trial Court and take out appropriate application, as may be advised within two weeks from today.

3. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.